

This Listing of Claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1 (currently amended): A container for fluid material comprising:

a first flexible panel and a second flexible panel with said first flexible panel sealed to said second flexible panel along a first side edge of each of said flexible panels and along a second side edge of each of said flexible panels;-and

a fitment sealed between said first flexible panel and said second flexible panel along third edges of each of said flexible panels, said third edges being intermediate said first side edge of each flexible panel and said second side edge of each flexible panel, said fitment having an opening covered by a frangible element that may be pierced to access said fluid, and

a detachable straw attached to said container;

wherein said container is formed from a unitary sheet of material or said first flexible panel and said second flexible panel are sealed, optionally with a bottom panel, along one or more bottom edges in the same manner as said first side edge and said second side edge.

2 (currently amended): A container according to claim 1 wherein said frangible element comprises a barrier material pierceable barrier seal.

3 (currently amended): A container according to claim 2 wherein said ~~barrier material is selected from the group consisting of aluminum foil, polymer film from the group consisting of polyethylene terephthalate, nylon or polypropylene coated with silicon oxide (SiOx) or aluminum oxide (AlOx), and polymer film co-extruded with ethylene vinyl alcohol~~ pierceable barrier seal comprises aluminum foil or ethylene vinyl alcohol.

- 4 (original): A container according to claim 1 wherein at least one of said flexible panels comprises a heat-sealable inner layer of polyethylene or polypropylene, a center layer of a barrier material, and an outer layer of polyester or nylon.
- 5 (original): A container according to claim 4 wherein said barrier material comprises aluminum foil, polymer film coated with silicon oxide (SiOx) or aluminum oxide (AlOx), or polymer film co-extruded with ethylene vinyl alcohol.
- 6 (original): A container according to claim 1 wherein said panels comprise a substantially transparent outer layer and at least one additional layers, said outer layer comprising a printed inner surface.
- 7 (original): A container according to claim 1, further comprising a flexible bottom panel, sealed to and separating said first flexible panel and said second flexible panel, along fourth edges of said first and second panels, opposite to said third edge, whereby said fourth edges support said container in an upright position.
- 8 (original): A container according to claim 7, wherein said bottom is sealed to said first and said second panels along diagonal seams that extend from side points along said side edges of said first and second panels, said side points being spaced from said fourth edge, to end points along said fourth edge that are spaced from said side edges.

9 (currently amended): A pouch for non-carbonated beverages, comprising:

a flexible body with side edges and an opening;

a fitment extending through said opening and sealed to said body, said fitment having a surface covered by a frangible material that may be pierced to access said liquid; and

a detachable straw attached to said container;

wherein said pouch is formed from a unitary sheet or from separate sheets having bottom edges that are welded in the same manner as said side edges.

10 (original): A beverage pouch according to claim 9 wherein said opening is between a front panel of said body and a rear panel of said body, said front panel and said rear panel being heat sealed to each and to said fitment to form a seam that extends from one side of said body to an opposite side of said body.

11 (currently amended): A beverage pouch according to claim 10 wherein:

said fitment comprises a tubular conduit that extends through said seam between said front panel and said rear panel, a weld flange extending laterally from an outer end of said tubular conduit and opening; and an opening extending through said weld flange and said tubular conduit; and

said frangible material comprises a ~~barrier layer~~ pierceable barrier seal that is sealed to said weld flange and covering covers said opening.

12 (currently amended): A beverage pouch according to claim 11 wherein ~~said barrier layer comprises aluminum foil, polymer film coated with silicon oxide (SiOx) or aluminum oxide (AlOx), or coated polymer film or EVOH co-extruded with ethylene vinyl alcohol~~ pierceable barrier seal comprises aluminum foil or ethylene vinyl alcohol.

13 (currently amended): A beverage pouch according to claim 10 wherein:

said fitment comprises a tapered body that extends through said seam between said front panel and said rear panel, with an opening extending through said tapered body; and

said frangible material comprises a ~~barrier layer~~ pierceable barrier seal that is sealed to said weld flange and covering covers said opening.

14 (original): A beverage pouch according to claim 13 wherein said body comprises sealing ribs that taper to fins that extend between said front panel and said rear panel.

15 (currently amended): A beverage pouch according to claim 13 wherein said ~~barrier layer according to claim 2 wherein said barrier material comprises aluminum foil, polymer film coated with silicon oxide (SiOx) or aluminum oxide (AlOx), or coated polymer film or EVOH co-extruded with ethylene vinyl~~ pierceable barrier seal comprises aluminum foil or ethylene vinyl alcohol.

16 (withdrawn): A fitment comprising:

one or more sealing surfaces adapted to be sealed into a seam of a flexible pouch;

a top surface exposed to the exterior of said pouch when said fitment is sealed in the seam of said pouch;

a bottom surface exposed to the interior of said pouch when said fitment is sealed in the seam of said pouch;

an opening extending through said fitment from said top surface to said bottom surface; and

one or more frangible elements applied across said opening.

- 17 (withdrawn): The fitment of claim 16 wherein one of said frangible elements is applied across the top surface of said fitment.
- 18 (withdrawn): The fitment of claim 16 wherein one of said frangible elements is applied across the bottom surface of said fitment.
- 19 (withdrawn): The fitment of claim 16 wherein frangible elements are applied across both the top surface and the bottom surface of said fitment.
- 20 (withdrawn): The fitment of claim 16 having two curved sealing surfaces.
- 21 (withdrawn): The fitment of claim 16 wherein said frangible element comprises a barrier material.